

D/F

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MSC SERVICES CORP., SID TOOL CO., INC.
(D/B/A MSC INDUSTRIAL SUPPLY CO.),

Plaintiffs,

-against-

PRO SAFETY SUPPLIES, LLC

Defendant.

13 Civ. 04330

FILED
IN CLERK'S OFFICE
U S DISTRICT COURT E D N Y

★ DEC 11 2013 ★

LONG ISLAND OFFICE

STIPULATION OF DISMISSAL

The Parties have reached an agreement to settle this action which includes certain obligations to be performed by the Parties in the future pursuant to their Settlement Agreement. Accordingly, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the Parties hereby stipulate to a dismissal of this action without prejudice at this time, and further stipulate that the dismissal shall be converted to a dismissal with prejudice upon Plaintiffs' receipt of a letter of compliance as provided pursuant to Section 4 of the Settlement Agreement by or before December 31, 2014, provided that Pro Safety has complied with the terms of the Agreement.

SO ORDERED.

Respectfully submitted,

/s/ Michael R. Graif
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s/ Sandra J. Feuerstein

U.S.D.J.

12/11/13